

# THE HABITAT

A newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.



Spring 2012

volume 24 number 1

## State Open Space Grants for Municipalities

### Applying for an Open Space Grant

**Deadline:** June 28, 2012.

**Application:** Current version is available on DEEP website: [www.ct.gov/dep/openspace](http://www.ct.gov/dep/openspace)

Grant awards are expected to be awarded in the fall of 2012.

For more information contact:

Dave Stygar at (860) 424-3081 or Allyson Clarke at (860) 424-3774.

Connecticut Department of Energy and Environmental Protection (DEEP) has at least \$5 million for this grant round available to assist cities and towns with the purchase and preservation of open space lands through the state of Connecticut's Open Space and Watershed Land Acquisition Grant Program. See page 16 for back ground on Open Space Grants.

*Editor's Note: The Council on Environmental Quality (CEQ) is required by law (CGS Section 22a-12) to recommend legislation "for remedying the deficiencies of existing programs and activities," and offers appropriate recommendations. We thank Karl Wagner, CEQ's Executive Director, for his permission to publish sections of the Council's report and legislative recommendations. Proposed bills raised by the legislature related to CEQ's recommendations are listed at the end of each section. For the full CEQ report and recommendations to the legislature go to [www.ct.gov/ceq/lib/ceq/Recommendations\\_for\\_Legislation\\_for\\_2012.pdf](http://www.ct.gov/ceq/lib/ceq/Recommendations_for_Legislation_for_2012.pdf).*

## Council on Environmental Quality's 2012 Recommended Legislation for Inland Wetlands Training

The Council on Environmental Quality (CEQ) is required by law (CGS Section 22a-12) to recommend legislation "for remedying the deficiencies of existing programs and activities." This year the Council recommended changes to the statutes regarding training for members and staff of municipal inland wetlands and watercourses agencies (IWWA). Many of these recommendations have found their way into Raised Bill 349, An Act Concerning Training for Inland Wetlands Agency Members and Agents.

Training is available, but too few complete the training, to the detriment of wetlands and landowner-applicants.

Training is an extremely low-cost approach to land conservation: commissions with members who have completed training allow less wetlands destruction than commissions that have no trained members. (Detailed statistical analysis is available in the CEQ Special Report, Swamped; link-[www.ct.gov/ceq/lib/ceq/swamped\\_with\\_links.pdf](http://www.ct.gov/ceq/lib/ceq/swamped_with_links.pdf))

Current law (CGS Section 22a-42(d)) requires each local wetlands commission to include one person who has completed the Department of Energy and Environmental Protection's (DEEP) comprehensive training program. Many towns do not comply with this requirement. In 2011, *IW legislation, continued on page 12*

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### Status and Trends

Wetlands account for about 15 per-cent of the state's surface. Regulation of development in and around inland wetlands and watercourses is handled almost entirely by volunteer local commission members, of whom there are more than a thousand.

# CACIWC Board of Directors

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Darcy Winther DEEP Liaison



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[www.caciwc.org](http://www.caciwc.org)

# CACIWC News Briefings

One of the most important documents for any non-profit organization is its strategic plan. This document outlines the important goals of the organization and sets the short and long-term priorities for the following three to five years. In 2008, the CACIWC Board of Directors adopted its first comprehensive strategic plan that was completed following a multi-year development process under the thoughtful guidance of the late Allan Williams.

1. During 2012, the CACIWC Board of Directors will begin the process of developing an **updated strategic plan** with a target completion date of 2013. The board will review the five highest priority goals and the thirteen priority goals established for the 2008 plan, evaluate the board's progress in attaining these goals, and select new goals and objectives for the next three to five years. It is anticipated that the board will continue to give our education and outreach activities the highest priority. The board will also focus on the need to assign both fiscal and human resources necessary to accomplish these goals. This renewal process reflects the Board of Director's recognition of the need to ensure the productive future of CACIWC. This column will provide periodic updates on the process and outline opportunities for members to provide input to our next strategic plan.

2. The CACIWC Board of Directors will also be conducting a major review of our **bylaws** during 2012 to determine if any amendments are needed. This review will focus on the composition of board to determine whether the existing eight county-based representative structure should be modified. The board will also be considering mechanisms that could permit use of virtual meetings and electronic voting for approval of urgent actions between regularly scheduled meetings or during inclement weather. The board will seek early member feedback on any proposed changes, which must be approved by a majority vote of members at the Annual Meeting or a special meeting of the membership.

3. The Board of Directors is reviewing the many comments and suggestions that were submitted in 2011 annual meeting survey. If you missed the meeting or neglected to complete the survey you can still submit your suggestions for workshop topics and speakers to recruit for our upcoming **35th Annual Meeting and Environmental Conference**, scheduled for Saturday, November 10, 2012. Please send your ideas to us at [AnnualMtg@caciwc.org](mailto:AnnualMtg@caciwc.org) along with any other general suggestions. Watch for additional conference news in upcoming issues of *The Habitat* and on our website: [www.caciwc.org](http://www.caciwc.org).

*CACIWC news, continued on page 13*



## Wetlands Agencies and the Fourth Amendment

The legal issues facing administrative agencies are often intricacies of the statute and how, primarily, the state Supreme Court interprets those provisions. It is rare when a constitutional right steals the show. That is what happened on February 14th when the Connecticut Supreme Court issued its unanimous decision in *Bozrah v. Chmurynski*, 303 Conn. 676 (2012).<sup>i</sup> In that case the Supreme Court *reversed* the trial court order requiring the private landowners (the defendants) to allow the zoning enforcement officer (the plaintiff) to inspect their residential property. The Supreme Court held that the trial court did not apply the standard of proof required by the Fourth Amendment to the United States Constitution, which prohibits unreasonable searches by the government unless a search warrant is issued based upon probable cause. This case did not break new ground. The state Supreme Court relied on established precedent from the United State Supreme Court.

Why are you reading about a zoning enforcement case? Yes, there are differences between zoning *statutes* and wetlands *statutes*. But the *constitutional* principles apply equally to all of the land use administrative agencies. In *Chmurynski* the zoning case involved inspection of a residence and its curtilage. “Curtilage” was defined earlier in *United States v. Dunn*, 480 U.S. 294 (1987), as the area immediately surrounding a residence that “harbors the ‘intimate activity associated with the sanctity of a man’s home and the privacies of life.’ ”

What happened in Bozrah: The first selectman directed the zoning enforcement officer (ZEO) by e-mail to inspect residential property at a specific address for unregistered motor vehicles and “other junk.” Five adults reside at the address. The ZEO arrived and eventually spoke with the land owner who refused to consent to the ZEO’s inspection of the residential property and curtilage. Without conducting a search the ZEO observed the following while at the address:

- six vehicles
- not in disrepair
- with license plates
- registration status unknown.

The ZEO then consulted with the town attorney. The ZEO returned to the property. In the interim a fence had

been installed, blocking the view from the street. The town initiated a civil suit seeking an injunction to allow the ZEO to conduct the inspection authorized by CGS § 8-12. Here is where there is a difference between zoning and wetlands law. There is reference to inspections in the zoning law -- there is no reference to inspections in the wetlands statutes.

Eventually the trial court held a hearing on the request for injunction, an order requiring the land owner to allow the ZEO to inspect the property, and granted it. The trial court relied on the statute and municipal regulation authorizing inspections. It recognized that (1) the reasonableness requirement of the 4th Amendment applies to zoning inspections, (2) reasonableness can be satisfied with a valid governmental purpose and concluded (3) a court-ordered injunction is a proper vehicle to satisfy the 4th Amendment’s “search warrant” requirement.

The Connecticut Supreme Court overturned the trial court’s decision based on the following reasoning. The 4th Amendment protects against unreasonable searches. Did the land owner have a reasonable expectation of privacy? Yes. Residences and the curtilage area have been deemed areas of legitimate expectation of privacy. The fence, once installed, defined the area of curtilage. The 4th Amendment applies to all searches, not just criminal investigations.

The state Supreme Court considered the type of search, the nature of the premises and the governmental public policies. In routine inspections of an entire area a “relaxed probable cause standard” is acceptable. The Court distinguished a search motivated by a specific complaint with a general search of an area to implement regulatory enforcement. An example given was the routine annual inspection by a city housing inspector. In that case the motivation was neutral, general and not motivated by a complaint. But a specific search target, a specific address, stemming from a complaint does not fall into the relaxed standard.

Probable cause: *what it isn't*: it is not a “(c)ommon rumor or report, suspicion, or even ‘strong reason to suspect’ . . .” and “simple good faith on the part of the arresting officer is not enough . . .”<sup>ii</sup> Often all that a wetlands agency or

*legal, continued on page 4*

*legal, continued from page 3*

staff has knowledge of, when motivated to inspect private property, is a rumor or suspicion. As you see, that does not constitute probable cause.

Probable cause: *what it is*: “there must be a preliminary showing of facts within the knowledge of the zoning officer and of which that officer has reasonably trustworthy information that are sufficient to cause a reasonable person to believe that conditions constituting a violation of the zoning ordinances are present on the subject property.”<sup>iii</sup>

Finally, the state Supreme Court ruled that a judicial hearing before a judge that results in an order requiring the defendant to allow a search of private property is the functional equivalent of search warrant because the individual’s right to be free from unreasonable searches is protected in court proceedings. The difference is that a search warrant is issued very quickly (within hours or a day) of an ex parte hearing before a judge. A court order occurs usually weeks, if not months, after the hearing before the court has been held.

Are you thinking that the wetlands agency can just try to apply to court for a search warrant to inspect property for wetlands violation, as long as probable cause exists? The Connecticut Supreme Court said no to the zoning enforcement officer -- for reasons that apply to wetlands agencies as well. The Supreme Court noted that there is no statutory authority in the zoning law to apply for a civil search warrant. (If the state’s attorney office had been pursuing criminal violations of the zoning law, that office could have relied on general criminal statutory provisions for a criminal search warrant.) The Supreme Court held that it is a matter for the legislature to address, not the courts.<sup>iv</sup>

For instance, the Commissioner of the Department of Energy and Environmental Protection, *does* have explicit statutory authority, CGS § 22a-6(a)(5), to seek a civil, administrative search warrant. Additionally, the Commissioner has explicit authority to delegate his right to municipal authorities to enter onto property to conduct inspections to carry out specifically enumerated regulatory programs. That statutory right to delegate inspections, CGS § 22a-2a, includes the tidal wetlands act, but does not include the inland wetlands and watercourses act. The state inland wetlands statute provides no authority for municipal authorities to apply for administrative search warrants or to inspect property for violations of the wetlands laws.

Back to Bozrah case, the Supreme Court concluded: “We do not believe that the mere fact that six vehicles, none of which appeared to be in disrepair, were parked on the property of a home where five adults resided provides sufficient reason to suspect a violation of the Bozrah zoning regulations.”<sup>v</sup> Without probable cause there is no basis to issue a search warrant, or in this case, a court order mandating inspection.

It is important to remember that, with consent, the agency may enter on private property. Your standard agency permit application should have the applicant granting consent to inspections necessary for the agency to make a determination on the application. Your standard agency permit should include a condition requiring the permittee to allow reasonable inspections of the property. But for land owners or those conducting activities without a permit, your agency should begin by asking for permission to enter onto the property. If that is denied, your agency should undertake inspections upon the advice of legal counsel.

This article, in the space of one column, cannot serve as a primer on 4th Amendment jurisprudence. This specific Supreme Court case deals with residential property and the curtilage associated with it. This may be one of the few areas that I do not believe training will solve most or all of the problems. Access to legal advice will be essential in determining whether the 4th Amendment applies, whether any exceptions exist, and whether there is probable cause to seek a court order to inspect property. This case should give anyone reason to pause and seek legal advice before entering property without the owner’s consent to conduct a wetlands inspection.

*Janet P. Brooks practices law in East Berlin. You can read her blog at: [www.ctwetlandslaw.com](http://www.ctwetlandslaw.com).*

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(Endnotes)

i You can read the case on the Judicial Website at: <http://www.jud.ct.gov/external/supapp/Cases/AROCr/CR303/303CR26.pdf>. Or go to: [www.jud.ct.gov](http://www.jud.ct.gov), click on Opinions, click on Supreme Court Archives, click on 2012, click on February 14, click on the case.

ii Bozrah v. Chmurynski, 303 Conn. 676, 686 (2012).

iii Bozrah v. Chmurynski, 303 Conn. 676, 692-693 (2012).

iv Bozrah v. Chmurynski, 303 Conn. 676, 695 n. 11 (2012).

v Bozrah v. Chmurynski, 303 Conn. 676, 693 (2012).

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” ~ The Fourth Amendment to the United States Constitution





# Old Saybrook Conservation Commission Institutes a Community Sustainability Website

by Bob Fish, Old Saybrook Conservation Commission

After spending the last eight years pursuing and accomplishing many of the goals spelled out in the Old Saybrook Conservation Commission's Plan of Conservation & Open Space, the commission is developing an update for this plan. This article provides a glimpse of the path that led to the decision to focus the update on Community Sustainability and how issues and priorities will be determined.

The Old Saybrook Conservation Commission's present Plan of Conservation & Open Space was adopted in 2004. The plan's purposes and uses are many, including protecting the Town's natural resources and habitats, providing information to Land Use regulatory commissions as they process land use applications, and aiding the Town's Land Acquisition Committee in identifying properties of value to preserve for future generations. This plan defines the ongoing work of the Conservation Commission. Priorities have been placed on developing greenways

and trail systems for passive recreation, a Stewardship Plan for town land, developing a Natural Heritage Tour showcasing the town's natural resources, completing an Oyster River fishway system, and attaining the town's 21% Open Space goal.

Since the Town purchased the 315-acre property in 1999 now known as the Great Cedars Conservation Area, residents have enjoyed the west side of this land accessed from a rustic parking area on Ingham Hill Road. The trails on the west side of this land lead through Atlantic White Cedar swamps and the forest as far west as the Town Park on Schoolhouse Road. Trails have now been completed for the east side of the Great Cedars Conservation Area, accessed by means of a new parking area off Merritt Lane.

A new version of the Natural Heritage Tour of the Town of Old Saybrook was published and distributed to the public. It contains a self-guided tour map and discussion of the town's open spaces and preserved natural resources. This has become a favorite for visitors to the local Chamber of Commerce office.

For years, a fishway system for the Oyster River watershed has been a part of the Town's Plan of Conservation & Development. The purpose of the fishway system is to allow river herring and eels to reach their traditional habitat in the northwestern part of town, as part of a larger effort to preserve the overall environmental health of the Oyster river watershed area and hence the town. The third and final fish passage in the system, a natural fishway

*Old Saybrook, continued on page 14*



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## New App Provides Access to Soil Survey Information for Land Use Commissions

A new smartphone app to access soil survey information is now available as a free download for both iPhone and Android users. Called *SoilWeb*, the app combines online soil survey information with the GPS capabilities of smartphones.

*SoilWeb* is a portable version of the UC Davis California Soil Resource Lab's Web-based interface to digital soil survey data from USDA's Natural Resources Conservation Service (NRCS). Because the app provides soil survey information in a mobile form, it is particularly useful for those working in the field.

NRCS introduced the Web Soil Survey (WSS), an online tool for accessing soils information, a few years ago. It is great for users of soils information—engineers, developers, farmers and many others—because it provides quick access to the most current data produced by the National Cooperative Soil Survey. Until recently, a disadvantage of Web-based soil survey formats was user access was limited to desktop computers with an internet connection. That reason is why soil scientist Dr. Dylan Beaudette (while still an undergraduate with UC Davis California Soil Resource Lab) collaborated with NRCS to develop the app.

*SoilWeb* can retrieve a graphic summary of soil types in response to a user inquiry in the form of soil profile sketches. Each profile sketch shows soil horizons (often compared to a vertical ice cream sandwich) made up of layers of soil. Soil names, locations and taxonomic categories are also shown.

Clicking on soil sketches sends the user to the corresponding Official Series Description, a user-friendly narrative of commonly used soil properties such as horizon depths, colors, texture, and rock fragment content. Clicking on a soil name (listed above each sketch) provides the user with a more detailed description including physical and chemical properties, definitions, and links to a variety of environmental databases. This means that conservation or inland wetlands commissions, a farmer, or even a backyard gardener could use a smartphone to gain an understanding of the soil type in the surrounding landscape. Soil health is a key factor in the success of plants—the type of soil determines what nutrients are needed, as well as how much water should be applied.



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*Editor's Note: The Council on Environmental Quality is required by law (CGS Section 22a-12) to recommend legislation "for remedying the deficiencies of existing programs and activities" and offers appropriate recommendations. The following article includes recommendations to the legislature regarding farm, fields and forests. For the full CEQ report and recommendations to the legislature go to [http://www.ct.gov/ceq/lib/ceq/Recommendations\\_for\\_Legislation\\_for\\_2012.pdf](http://www.ct.gov/ceq/lib/ceq/Recommendations_for_Legislation_for_2012.pdf)*

## Council on Environmental Quality's Recommended Legislation for Farm, Fields, and Forests

### Status and Trends

Connecticut will need to preserve at least 2,000 acres of farmland each year to meet its ultimate goal. For the first time in nearly 20 years, the Department of Agriculture met that mark in 2011.

The Farmland Preservation Advisory Board has identified and rated 1,300 acres of active farmland owned by the Departments of Mental Health and Addiction Services, Correction and other agencies that could be preserved at virtually no cost. Though owned by the state, these productive lands currently are not preserved in perpetuity.

Nobody knows how many acres of forest and other open space land have been preserved for conservation purposes throughout the state, or where Connecticut stands in relation to its statutory goal of preserving 21% of the land. It is clear, however, that the state itself is making very little progress toward its own goal of protecting the best ten percent through state ownership.

### 2012 Legislation Recommendations

- No-cost acquisitions: Adopt legislation to permanently protect farmland owned by state agencies by establishing a goal and process, and direct the Department of Energy and Environmental Protection (DEEP) to include in its 2012 revision of the "Green Plan" (CGS Section 23-8(b)) an assessment of undeveloped parcels owned by other state agencies that might warrant permanent conservation.
- Maintain the current capital budget for the Department of Agriculture's farmland preservation (through purchase of development rights) program.
- Authorize sufficient funds (probably \$20 million) to preserve 12,000 acres per year of open space by DEEP and state grant recipients.

This 12,000-acre annual target includes the hundreds or thousands of uncounted acres preserved annually by municipalities and land trusts at no cost to the state.

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***"This is the top priority that has been voiced by the land trust community [137 land trusts]. But for lack of state funding, we could move forward on the conservation transactions in our queue." -- Amy Paterson, CT Land Conservation Council, CEQ's November 16, 2011 Public Forum***

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- Improve the state's strategy for conserving land, especially for wildlife habitat. Require DEEP to identify the highest priority conservation lands in its 2012 revision of the "Green Plan".
- Establish a registry of preserved lands, built on voluntary reporting by municipalities and private organizations. This could be accomplished by designating a registry created and operated by a nongovernmental organization.

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***"The CACIWC [Connecticut Association of Conservation and Inland Wetlands Commissions] Board of Directors supports these recommendations, in particular CACIWC is very much in favor of establishing a statewide registry of preserved lands." -- CACIWC, CEQ's Public Forum***

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### Proposed Legislation related to CEQ Recommendations

As we go to press, none proposed.





*Editor's Note: The following open space "encounter" was in an unsolicited email received from Rod Parlee, Chairman, Bolton Conservation Commission. With his permission—enjoy. Would you like to share an Open Space Tale? Contact the Editor.*

## Open Space Tales: An Encounter with a Bull Moose

**O**n the way to Freja Park (Bolton, CT) yesterday about 5 pm, I had an encounter with a bull moose! While enjoying the spring like weather in February (2012) and hiking at a slow rate, much to my surprise on the ridgeline was a dark shaped object. I first thought it was a bear standing on his hind legs and began to retreat, but after focusing my eyes I quickly saw that it was a BULL MOOSE! It was standing and facing me about 100 yards away. I already had my camera out and in my hand, so I began snapping away, then zooming in. I recalled taking photos years ago, of the Avalon caribou herd in New Foundland and learned how they have terrible eye sight, so I didn't move. I remembered the Native American slogan that when a pine needle falls on the forest floor, the eagle sees it, the bear smells it and the deer hear it. For about five minutes we both didn't move. He eventually bobbed his head up and down,



heard my camera, picked up my scent and changed his direction from heading right toward me to head in a more southerly direction into the 21-acre Freja Park. This park borders Notch Pond that would be suitable habitat for a moose if it wasn't for the highway on the other side. This bull moose looked to be a two pointer,

two points of antlers on each side. It also looked like it was being followed, by maybe a cougar?

Three years ago I was so fortunate to see a Fisher near Freja Park, now a moose! Possibly, my next sighting will earn me \$100 with a photo of a mountain lion or cougar.

Lets continue to work hard and preserve special places

like Freja Park and what remaining unfragmented forests we have left so that future generations can encounter the same incredible and diverse wildlife.

Here is my photo. Enjoy ~ Rod



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## CEQ Legislative Recommendations for Other Environmental Issues

### ALL-TERRAIN VEHICLES

Illegal use of ATVs damages trails, parks, nature preserves and other properties. Enforcement is difficult.

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*"ATVs are the largest problem facing the volunteer maintainers of Connecticut's hiking trails." -- The Connecticut Forest and Park Association, CEQ Forum*

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#### **2012 Legislation Recommendations**

Improve law enforcement agencies' ability to enforce existing laws by:

- 1) requiring registration and
- 2) including forfeiture of the vehicle as a potential penalty.

#### **Proposed Legislation related to CEQ Recommendations**

As we go to press, none proposed.

### ILLEGAL TREE DESTRUCTION

A person who deliberately cuts trees on another person's property without permission will owe almost nothing in damages, if a civil action ever is brought.

#### **2012 Legislation Recommendations**

In civil court, allow victims of illegal tree cutting to recover costs of replanting and restoration. This would extend to all landowners the remedies made available to public landowners with great success under P.A. 06-89 (CGS Section 52-560a, encroachments on open space lands).

#### **Proposed Legislation related to CEQ Recommendations**

As we go to press, none proposed.

### AIR POLLUTION FROM OUTDOOR WOOD FURNACES

Much DEEP staff time is consumed by responding to complaints about outdoor wood furnaces (OWFs), which are subject to set-back requirements but no emission limits.

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*"The current requirements are not only insufficient to protect the public's health from OWF emissions but also challenge the resources of local public health departments, which must investigate every complaint."*  
*-- Alyssa Norwood, Connecticut Association of Directors of Health, CEQ Public Forum*

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#### **2012 Legislation Recommendations**

- 1) Enact a moratorium on out-door wood furnaces until DEEP adopts regulations that establish maximum emission levels.
- 2) Require DEEP to adopt regulations governing maximum emission levels from OWFs, both new and existing, by 2014.
- 3) Authorize DEEP to enforce the statute and regulations through administrative action.
- 4) Clarify ambiguous aspects of the statute, including the point of a residence from which distances are measured, and the obligation for all OWFs to burn clean wood only.
- 5) Clarify that local building officials and health officials regulate OWFs, and allow municipalities to collect the penalties.

#### **Proposed Legislation related to CEQ Recommendations**

Raised Bill No. 84: To prohibit the use of wood-burning furnaces between May first and September thirtieth. To review Bill 84, go to [cga.ct.gov](http://cga.ct.gov), type in 84 in box labeled Number at top and click on GO.



# 2011-2012 Membership

# Is Your Commission Here?

|               |       |       |                  |       |       |               |       |       |
|---------------|-------|-------|------------------|-------|-------|---------------|-------|-------|
| Andover       | CC    |       | Goshen           | IW    |       | Portland      | CC    | (SUS) |
| Andover       | IW    |       | Granby           | CC    |       | Portland      | IW    | (SUS) |
| Ansonia       | CC    | (SUS) | Granby           | IW    |       | Preston       | CC    |       |
| Ansonia       | IW    | (SUS) | Greenwich        | CC    | (SUS) | Preston       | IW    |       |
| Ashford       | CC    |       | Greenwich        | IW    | (SUS) | Prospect      | CC    | (SUS) |
| Ashford       | IW    |       | Griswold         | CC+IW |       | Prospect      | IW    | (SUS) |
| Avon          | IW    |       | Groton           | CC    |       | Putnam        | CC+IW |       |
| Avon          | CC    |       | Groton           | IW    |       | Redding       | CC+IW | (SUS) |
| Barkhamsted   | CC    |       | Groton City      | CC+IW |       | Ridgefield    | Z+IW  |       |
| Barkhamsted   | IW    |       | Guilford         | CC    |       | Ridgefield    | CC    |       |
| Beacon Falls  | CC    |       | Guilford         | IW    |       | Roxbury       | CC    |       |
| Beacon Falls  | IW    |       | Haddam           | CC    |       | Roxbury       | IW    |       |
| Berlin        | CC    |       | Haddam           | IW    |       | Salem         | CC+IW | (SUS) |
| Bethany       | CC    | (SUS) | Hamden           | IW    |       | Salisbury     | CC+IW | (SUS) |
| Bethany       | IW    | (SUS) | Hamden           | CC    |       | Scotland      | IW    |       |
| Bethel        | IW    |       | Hampton          | CC    |       | Seymour       | CC    | (SUS) |
| Bethlehem     | CC    |       | Hampton          | IW    |       | Sharon        | CC    |       |
| Bethlehem     | IW    |       | Hartland         | IW    |       | Sharon        | IW    | (SUS) |
| Bolton        | CC    |       | Harwinton        | IW    |       | Shelton       | CC    |       |
| Bolton        | IW    |       | Hebron           | CC    |       | Sherman       | CC    |       |
| Bozrah        | CC+IW |       | Kent             | CC    |       | Sherman       | IW    |       |
| Branford      | CC    |       | Kent             | IW    |       | Simsbury      | CC+IW |       |
| Branford      | IW    |       | Killingworth     | CC    |       | South Windsor | CC+IW |       |
| Bristol       | CC+IW |       | Lebanon          | CC    |       | Southbury     | IW    |       |
| Brookfield    | CC    |       | Lebanon          | IW    |       | Southington   | CC+IW | (SUS) |
| Brookfield    | IW    |       | Ledyard          | IW    |       | Sprague       | CC+IW | (SUS) |
| Brooklyn      | CC    |       | Lisbon           | CC    |       | Sterling      | IW    |       |
| Brooklyn      | IW    |       | Litchfield       | IW    |       | Stonington    | CC    | (SUS) |
| Burlington    | IW    |       | Lyme             | CC+IW |       | Stonington    | IW    | (SUS) |
| Canaan        | CC+IW |       | Madison          | IW    |       | Suffield      | CC    |       |
| Canterbury    | IW    |       | Manchester       | CC    |       | Thomaston     | IW    |       |
| Cheshire      | IW    |       | Manchester       | Z+IW  |       | Thompson      | CC    |       |
| Cheshire      | CC    |       | Mansfield        | Z+IW  | (SUS) | Thompson      | IW    |       |
| Chester       | IW    |       | Meriden          | IW    |       | Tolland       | CC    |       |
| Clinton       | CC+IW | (SUS) | Middlebury       | CC    |       | Tolland       | IW    |       |
| Colchester    | CC    |       | Middlefield      | IW    |       | Trumbull      | IW    |       |
| Columbia      | CC    |       | Milford          | CC    |       | Vernon        | CC    |       |
| Columbia      | IW    |       | Milford          | IW    |       | Vernon        | IW    |       |
| Coventry      | CC    |       | Montville        | IW    |       | Wallingford   | CC    |       |
| Coventry      | IW    |       | New Canaan       | Z+IW  |       | Wallingford   | IW    |       |
| Cromwell      | CC    |       | New Canaan       | CC    |       | Warren        | CC+IW | (SUS) |
| Cromwell      | IW    |       | New Fairfield    | CC+IW | (SUS) | Washington    | CC    |       |
| Darien        | CC+IW | (SUS) | New Hartford     | CC    |       | Washington    | IW    |       |
| Deep River    | CC+IW |       | New Hartford     | IW    |       | Waterford     | CC    | (SUS) |
| Durham        | CC    |       | New London       | CC+IW |       | Watertown     | CC+IW |       |
| Durham        | IW    |       | New Milford      | CC    |       | West Haven    | IW    |       |
| East Haddam   | CC    |       | New Milford      | IW    |       | Westbrook     | CC    | (SUS) |
| East Haddam   | IW    |       | Norfolk          | CC    |       | Westbrook     | IW    |       |
| East Hampton  | CC    |       | Norfolk          | IW    |       | Weston        | CC+IW |       |
| East Hampton  | IW    |       | North Branford   | CC+IW |       | Westport      | CC+IW |       |
| East Hartford | CC+IW |       | North Haven      | IW    |       | Wethersfield  | IW    |       |
| East Lyme     | CC    |       | North Stonington | CC    |       | Willington    | CC    |       |
| East Lyme     | IW    |       | Norwalk          | IW    | (SUS) | Willington    | IW    |       |
| Eastford      | CC    |       | Old Lyme         | IW    |       | Wilton        | CC    |       |
| Eastford      | IW    |       | Old Lyme         | CC    |       | Wilton        | IW    |       |
| Easton        | CC+IW |       | Old Saybrook     | CC    |       | Windsor       | CC    |       |
| Ellington     | CC    |       | Old Saybrook     | IW    |       | Windsor       | IW    |       |
| Ellington     | IW    |       | Oxford           | CC    | (SUS) | Windsor Locks | CC    |       |
| Enfield       | CC    |       | Oxford           | IW    | (SUS) | Woodbridge    | CC    |       |
| Essex         | CC    |       | Plainfield       | CC    |       | Woodbridge    | IW    |       |
| Essex         | IW    |       | Plainfield       | IW    |       | Woodbury      | CC    |       |
| Fairfield     | CC    |       | Plainville       | CC    |       | Woodbury      | IW    |       |

|             |             |            |       |           |    |
|-------------|-------------|------------|-------|-----------|----|
| Fairfield   | IW          | Plainville | IW    | Woodstock | CC |
| Glastonbury | CC+IW (SUS) | Plymouth   | CC+IW | Woodstock | IW |
| Goshen      | CC          | Pomfret    | IW    |           |    |

As of March 1, 2012, the above Town commissions have supported CACIWC through membership dues for the 2011-2012 fiscal year (July 1, 2011 – June 30, 2012). If your Commission is not on the list, please encourage your commission to join. For a membership dues form go to [caciwc.org](http://caciwc.org), click on About CACIWC, scroll to Membership and download form; or email [todell@snet.net](mailto:todell@snet.net). If we are in error we apologize and would appreciate knowing. Member Commissions receive a copy of *The Habitat* for each commissioner if dues have been paid. Please consider joining as a sustaining member (SUS).

CC = Conservation Commission  
 IW = Inland Wetlands Commission

CC+IW = Combined Commission  
 Z+IW = Zoning/Inland Wetlands Commission

*save the date!*

CACIWC's 35th Annual Meeting & Environmental Conference is scheduled for Saturday, November 10, 2012.

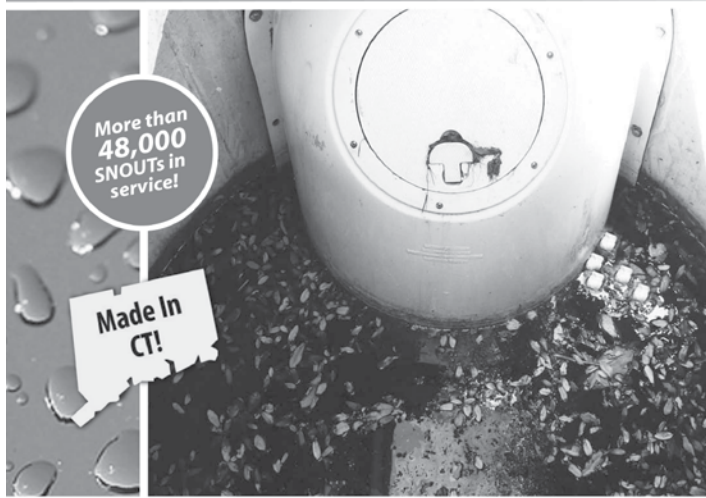
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DEEP made the first segment of the comprehensive training program available online, but there is a fee to complete the segment.

### 2012 Legislation Recommendations

Modify requirements and incentives for members and staff of municipal inland wetlands and watercourses agencies to complete training. Improvements should include

- a requirement for all new members to complete “Basic Training,” a new class of training that would be created by the Department of Energy and Environmental Protection (DEEP) and would include an online training option,
- a requirement for locally-designated agents (usually town staff) to complete the annual training update to maintain their eligibility for enhanced authorities,
- more subsidies to allow more municipal officials to attend training or complete training online for free (for an additional state appropriation of \$12,000), and
- annual tracking and reporting by DEEP of municipalities’ training status, including commissions’ fulfillment of their current obligation to review training materials at a local meeting once each year. This can be achieved by modifying municipalities’ current reports to DEEP.

Questions and comments are welcome at Council on Environmental Quality 79 Elm Street Hartford, CT 06106 860-424-4000, karl.wagener@ct.gov.

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*“The CACIWC [Connecticut Association of Conservation and Inland Wetlands Commissions] Board of Directors supports these recommendations.” -- CACIWC, CEQ’s November 16, 2011 Public Forum*

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### Proposed Legislation related to CEQ Recommendations

Raised Bill 349, An Act Concerning Training for Inland Wetlands Agency Members and Agents. To review and track the progress and changes to RB 349 in the legislature go to: <http://www.cga.ct.gov/2012/TOB/S/2012SB-00349-R00-SB.htm>.



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4. CACIWC has joined numerous other land use and environmental agencies throughout New England that are working on the **Connecticut River Watershed Blueway** proposal. This proposal, inspired by the America's Great Outdoors Initiative, is one of many efforts by the National Park Service to establish a series of blueways throughout the nation. In addition to preserving important watershed areas, these initiatives are designed to improve recreational access and appreciation of the outdoors and our important natural resources by all members of our society including our youth. CACIWC will be providing additional information on this initiative as we work closely with commissions throughout the Connecticut River Watershed.

5. The new members and officers of the Board of Directors are several months into their new two-year term following our 34th Annual Meeting. The board is reviewing suggested candidates for additional new board members from various names submitted at the annual meeting. However, many **CACIWC board vacancies** remain (please see the list in this issue of *The Habitat* and on [www.caciwc.org](http://www.caciwc.org)). CACIWC bylaws specify that any past or present member of

Connecticut conservation or inland wetlands commissions or their agent are eligible serve. Would you be interested in filling one of these vacancies? Please submit your name to us for consideration at: [board@caciwc.org](mailto:board@caciwc.org).

6. Would you like to work with CACIWC but are too busy to join the board at this time? We are forming several **CACIWC advisory committees** to help us with our education and outreach efforts, strategic plan and bylaws revisions, or participate in the review of legislative initiatives. Let us know by sending your name and interest area to us at: [board@caciwc.org](mailto:board@caciwc.org).

Thank you again for your ongoing support of CACIWC. Please do not hesitate to contact us via email at [board@caciwc.org](mailto:board@caciwc.org) if you have any questions or comments on the above items or if you have other questions of your board of directors.

We thank you for your local wetlands protection and conservation efforts! ~ Alan J. Siniscalchi, President



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Old Saybrook, continued from page 5

around the dam at Crystal Lake, was completed in May of 2009.

An Open Space Map of the Town of Old Saybrook has been completed. At the present time, open space totals approximately 20% of the Town's land area. With the Open Space Subdivision regulations passed by the Zoning Commission that require all large developments to set aside at least 50% of their land area in open space, it would appear that it is only a matter of time before at least 25% of the land area of the Town is set aside as open space.

Looking forward, it is time to update the commission's Plan of Conservation & Open Space. With the present concerns for sustainability, climate change and energy independence in this country, the new plan needs to address what we can do locally to help with these national and world efforts. At the very least, the plan should include a strong energy conservation program and a program of public outreach and education to encourage a stronger culture for environmental issues and a better understanding of what actions are most important for the town's sustainability.

In order to address this need for public outreach, the Conservation Commission has launched a new website, SustainableSaybrook.org. This website will be the vehicle used to solicit Old Saybrook citizens' input into all the priorities for the future of the Town. It will address not only Environmental issues, but also issues of Economics and Social Equity, as these are all essential to the sustainability of our town.

The website will develop strategies and goals in each of these twelve areas: access & mobility, the economy, the environment, education, energy, food, identity & culture, health, waste management, housing & shelter, social equity, and water. The goals will be established collaboratively with the town's citizens, community-based organizations, local government agencies, and business groups. Among the partners so far are the Connecticut River Area Health District, the Main Street Merchants, the Old Saybrook Land Trust, the Old Saybrook Land Use Department, and the Old Saybrook Youth & Family Services. Other community partners are anticipated.

For each of the twelve major areas, there is first a brief "big picture" section describing the national and world

issue. Then the issue is translated into its local impact, and local goals for addressing the issue are proposed for comment. Following that opening page in each area, articles concerning the local issue are included.

Please visit [www.SustainableSaybrook.org](http://www.SustainableSaybrook.org) for a better look at this work in progress.

For more information contact Bob Fish at: [rfish@town.old-saybrook.ct.us](mailto:rfish@town.old-saybrook.ct.us).



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## Farmland ConneCTions: Exploring the Benefits of Leasing Land to Farmers in CT

**W**hile demand for locally grown farm and food products has skyrocketed over the past decade, farmers looking for productive farmland for new or expanding operations face a particular challenge in Connecticut: one of the country's highest farm real estate values. Many farmers are now pursuing legal lease agreements with municipalities and land trusts in order to secure farmland with suitable soils. For a municipality, institution or land trust, making land available for farming can have many benefits, including helping to connect with town residents, as well as reducing the costs of owning and maintaining arable land.

Interested in exploring the possibility of leasing land to a farmer? Contact Project Coordinator Jennifer McTiernan, at [farmlandconnections@gmail.com](mailto:farmlandconnections@gmail.com).

*Reprinted from WLA December 2011 Newsletter* 

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## **DEEP Announces New Round of Open Space Grants Funding for Municipalities, Land Conservation Groups**

### **Background on State Open Space Grants**

This year the State Bond Commission allocated \$5 million to the DEEP for the Open Space and Watershed Land Acquisition Grant Program. Additional funds may become available under the state's Community Investment Act (CIA). See page 1 for grant round specifics.

The Open Space and Watershed Land Acquisition grant program has played a key part in helping the state move forward toward achieving its open space protection goal of protecting 21 percent of Connecticut's land – or 673,210 acres – by the year 2023. Connecticut's open space includes recreation and conservation land owned or protected by the state and land owned or protected by municipalities and others, often with state financial assistance. DEEP and our partners have protected over 15 percent of Connecticut's land as designated open space, comprising nearly 500,000 acres. Since the Open Space and Watershed Land Acquisition program began in 1998, DEEP has provided approximately \$102,000,000 in grants to assist with the purchase of approximately 26,000 acres of open space across the state in 120 of Connecticut's cities and towns.

Under the Community Investment Act, Public Act 05-228, a fee was established for the recording of all documents into municipal land records. The CIA was designed to protect and preserve the beauty and unique character of Connecticut for future generations by providing a new source of funding for open space, protection of farmland, preservation of historic sites and creation of additional affordable housing programs.

